IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMM. FOR JUDGMENT NO.525 OF 2003

IN

SUMM.SUIT NO.3946 OF 2002

Guljag Inds Limited. ... Plaintiff

versus

Kiran Inds & anr ... Defendants

Ms Sunita Vishwakarma i.b Devendra Sharma for Plff

CORAM : D.G. KARNIK, J

DATED : 19th April 2005.

P.C:-

1. Heard learned counsel for the plaintiff. None present for the defendants. Perused the affidavits of service dated 9th March, 2005 and 7th April, 2005 sworn by Mr. Gautam Vora. Despite service of the Summons for Judgment, the defendant has not applied for leave to defend nor filed any affidavit in reply.

2. Learned counsel for the plaintiff tenders the

original documents along with a list. The documents are taken on record and collectively marked Exhibit A for identification. I have perused the plaint and the original documents. In the absence of any affidavit in reply, the averments made in the plaint are deemed to be admitted. In the circumstances, the plaintiff is entitled to a decree under order 37 Rule 3 (6) of the Code of Civil Procedure. Accordingly, Summons for Judgment is made absolute and suit of the plaintiff is decreed as follows :

> " The defendant shall pay to the plaintiff a sum of Rs.52,46,950/- together with interest on the principal sum of Rs.41,56,000/- at 9 % p.a. from the date of the suit till payment and all costs of the suit. "

D.G.KARNIK, J